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# IN RE AUTUMN O. ET AL.*
## (AC 45575)

Cradle, Clark and Seeley, Js.

*Syllabus*

The respondent mother appealed to this court from the judgments of the trial court terminating her parental rights with respect to her minor children. She claimed that the trial court improperly determined that, pursuant to statute (§ 17a-112 (j)), she was unable or unwilling to benefit from reunification services, had failed to achieve a sufficient degree of personal rehabilitation, and it was in the best interests of the minor children to terminate her parental rights. *Held*:

1. This court declined to review the merits of the respondent mother's claim that the trial court improperly determined that she was unable or unwilling to benefit from reunification services, as that claim was moot: although the trial court found both that the Department of Children and Families had made reasonable efforts to reunify the mother with her children and that she was unable or unwilling to benefit from such reunification efforts, two independent bases for satisfying § 17a-112 (j) (1), the mother challenged only the court's determination that she was unable or unwilling to benefit from reasonable efforts toward reunification, and, because the mother's ability to obtain relief required that she challenge both independent bases, her failure to do so foreclosed any possibility of practical relief.
2. The respondent mother could not prevail on her claim that the trial court improperly determined that she failed to achieve the requisite degree of personal rehabilitation required by § 17a-112 (j) (3) (B): there was sufficient evidence credited by the court to support its conclusion that she failed to rehabilitate, including evidence that the mother continued to associate with dangerous third parties, A and B, and failed to address the conditions that led to her children's commitment, namely, incidents of violence in her home, as, even after the minor children were committed to the petitioner, the Commissioner of Children and Families, the mother repeatedly invited interaction with A and B, who caused chaos and violence within the home, and A had a chaotic, and often violent, relationship with the mother despite a protective order against A; moreover, police responded to the mother's house numerous times because of the violent, destructive, or otherwise unlawful conduct of A and B; furthermore, the trauma A's presence caused one of the mother's minor children, and her continued association with A and B, demonstrated her failure to appreciate that her tumultuous interpersonal relationships exposed her, and the minor children, to harm.
3. The respondent mother could not prevail on her claim that the trial court improperly determined that it was in the best interests of the minor children to terminate her parental rights: the court considered and made findings under each of the seven factors of § 17a-112 (k), the court's findings as to the children's best interests were factually supported and legally sound, and there was ample evidence in the record to support the court's conclusion, including evidence that established that the mother repeatedly interacted and cohabitated with A and B, individuals that routinely caused a chaotic and violent home environment, and, as a result, she would be unable to provide an appropriate home environment for her children within a reasonable period of time considering their ages and needs and in light of the children's need for stability and permanency.

Argued January 5—officially released March 30, 2023**

*Procedural History*

Petitions by the Commissioner of Children and Families to terminate the respondents' parental rights with respect to their minor children, brought to the Superior Court in the judicial district of Litchfield, Juvenile Mat-

ters, and tried to the court, *Torres*, *J.*; judgments terminating the respondents' parental rights, from which the respondent mother appealed to this court. *Appeal dismissed in part*; *affirmed*.

*David B. Rozwaski*, assigned counsel, for the appellant (respondent mother).

*Matthew Joseph Parenti*, assistant attorney general, with whom, on the brief, were *William Tong*, attorney general, and *Evan O'Roark*, assistant attorney general, for the appellee (petitioner).

*Joshua Michtom*, assistant public defender, for the minor child Autumn O.

*Opinion*

CRADLE, J. The respondent mother, Michelle O., appeals from the judgments of the trial court rendered in favor of the petitioner, the Commissioner of Children and Families, terminating her parental rights with respect to two of her minor children, Autumn O. and Joshua W., pursuant to General Statutes § 17a-112 (j).[1] On appeal, the respondent claims that the court improperly determined that (1) the respondent was unable or unwilling to benefit from reunification services, (2) the respondent had failed to achieve a sufficient degree of personal rehabilitation, and (3) it was in the best interests of the minor children to terminate her parental rights.[2] We conclude that the appeal is moot as to the first claim and dismiss that portion of the appeal. We otherwise affirm the judgments of the trial court.

The following facts, as found by clear and convincing evidence by the trial court in its memorandum of decision, and procedural history are relevant to our resolution of this appeal. "[The respondent] married Anthony O. on August 17, 1990. Together they had four children, who were subsequently taken from her care. A divorce from [Anthony] O. was attempted, but never completed. [The respondent] then engaged in a relationship with Michael H. [The respondent] had two children by him: Aris H. and Autumn O. [Anthony O.] signed the birth certificate for Autumn O. as [he and the respondent] were still married and, therefore, [he] was considered the legal father. However, after . . . involvement [of the Department of Children and Families (department)], the biological father was revealed to be Michael H. [The respondent] described her relationship with Michael H. as very abusive and did not want him around her children.

"[The respondent] has a . . . history [with the department] that dates to 1997. [The department] became involved due to a litany of issues which included: emotional neglect, physical neglect, educational neglect, substance use, intimate partner violence, and unsafe living conditions. Over the years there have been eighteen reports and [the respondent] had the rights to four of her other children terminated in 2008.

"[The respondent's] criminal history dates to 2000 with numerous arrests that include larceny, resisting arrest, breach of the peace, harassment, criminal mischief, threatening and risk of injury to a minor. She was most recently placed on probation on [March 28, 2019], for breach of the peace and threatening behavior. [The respondent] has a protective order history dating back to 2004. She has been both the protected party and the subject of the protective orders. The most recent protective order was issued on August 6, 2019, and expired on February 6, 2020, with the protected person identified as June W."

"[The department] opened [its] case as to these two children in October of 2017. Despite attempts to assist the family with services, Autumn O. and Joshua W. were removed following a New Year's Eve incident on December 31, 2018. With a protective order in place, [the respondent] invited Anthony W., [Joshua W.'s biological father], to the home where she was residing. Adding to the fray, an argument ensued between herself and her adult son which resulted in broken glass and some superficial injuries to [the respondent]. [The respondent] claimed that she was babysitting her son's children when the older grandchild attempted to bring in his friends and with them, marijuana. [The respondent] objected and a fight ensued. Joshua W. ended up receiving an injury to his foot from the broken glass. [The department] took a ninety-six hour hold, and the children subsequently came into care. Specific steps for [the respondent] were issued by the court on January 4, 2019, December 4, 2019, August 5, 2020, and February 17, 2021. Autumn O. was adjudicated neglected on May 29, 2019. Joshua W. was adjudicated neglected by the court on March 20, 2019.

"The presenting issues at the time of the children's removal included unaddressed substance abuse and intimate partner violence. The specific steps issued set a goal for [the respondent] to address her parenting, substance abuse and develop appropriate coping mechanisms. The steps set a goal for [the respondent] to provide safe and stable parenting free from substance use and violence."

"On June 5, 2018, [the petitioner] filed neglect petitions on behalf of the two minor children. On January 1, 2019, [the department] invoked a ninety-six hour hold as to Autumn O. and Joshua W. [The petitioner] pursued an order of temporary custody and the court granted the motion on January 4, 2019. On January 8, 2019, the order of temporary custody was sustained. On March 2, 2019, Joshua W. was adjudicated neglected and committed to [the petitioner]. On May 28, 2019, the court adjudicated Autumn O. neglected and committed her to [the petitioner]. On November 23, 2020, after a contested hearing, a permanency plan calling for reunification was granted by the court (*Grogins*, *J.*). The respondent . . . was issued revised specific steps on February 17, 2021, to assist with reunification efforts. . . . The matter of disposition was continued to the [termination of parental rights] hearing as to [the respondent]. On December 7, 2021, [the petitioner] moved to amend the [termination of parental rights] [petition] to include . . . regarding [the respondent], [the ground of] . . . failure to rehabilitate. This motion was granted by the court and effectively modifies the date of adjudication for . . . [the respondent] to December 7, 2021."

The case was tried virtually, via Microsoft Teams,

before the court, *Torres*, *J.*, over seven nonconsecutive days in December, 2021, and January and February, 2022.[3] On April 14, 2022, the court issued its memorandum of decision, in which the court found that the petitioner proved by clear and convincing evidence that the department had made reasonable efforts to reunify the respondent with her children, and that the respondent was unable to benefit from reunification efforts. The court further found that the respondent failed to achieve the degree of personal rehabilitation required by the statute and determined that termination of the respondent's parental rights was in the best interests of the minor children. Pursuant to § 17a-112 (j) (3) (B) (i),[4] the court granted the petitions for the termination of the respondent's parental rights. This appeal followed. Additional facts and procedural history will be set forth as necessary.

On appeal, the respondent claims that the court improperly concluded that (1) she was unable or unwilling to benefit from reunification services, (2) she had failed to rehabilitate, and (3) it was in the best interests of the minor children to terminate her parental rights.

We begin by setting forth the standard of review and relevant legal principles. "Proceedings to terminate parental rights are governed by § 17a-112. . . . Under [that provision], a hearing on a petition to terminate parental rights consists of two phases: the adjudicatory phase and the dispositional phase. During the adjudicatory phase, the trial court must determine whether one or more of the . . . grounds for termination of parental rights set forth in § 17a-112 [(j) (3)] exists by clear and convincing evidence. The [petitioner] . . . in petitioning to terminate those rights, must allege and prove one or more of the statutory grounds. . . . Subdivision (3) of § 17a-112 (j) carefully sets out . . . [the] situations that, in the judgment of the legislature, constitute countervailing interests sufficiently powerful to justify the termination of parental rights in the absence of consent. . . . Because a respondent's fundamental right to parent his or her child is at stake, [t]he statutory criteria must be strictly complied with before termination can be accomplished and adoption proceedings begun. . . .

"Section 17a-112 (j) provides in relevant part: The Superior Court, upon notice and hearing . . . may grant a petition . . . if it finds by clear and convincing evidence that (1) the [department] has made reasonable efforts to locate the parent and to reunify the child with the parent in accordance with subsection (a) of section 17a-111b, unless the court finds in this proceeding that the parent is unable or unwilling to benefit from reunification efforts, except that such finding is not required if the court has determined at a hearing pursuant to section 17a-111b, or determines at trial on the petition, that such efforts are not required, (2) termination is in

the best interest of the child, and (3) . . . (B) the child (i) has been found by the Superior Court or the Probate Court to have been neglected, abused or uncared for in a prior proceeding, or (ii) is found to be neglected, abused or uncared for and has been in the custody of the [petitioner] for at least fifteen months and the parent of such child has been provided specific steps to take to facilitate the return of the child to the parent . . . and has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child . . . ." (Citation omitted; internal quotation marks omitted.) *In re A'vion A.*, 217 Conn. App. 330, 336–37, 288 A.3d 231 (2023).

"If the trial court determines that a statutory ground for termination exists, then it proceeds to the dispositional phase. During the dispositional phase, the trial court must determine whether termination is in the best interests of the child. . . . The best interest determination also must be supported by clear and convincing evidence." (Internal quotation marks omitted.) *In re Shane M.*, 318 Conn. 569, 582–83 n.12, 122 A.3d 1247 (2015).

I

We first address the respondent's claim that the court erred in concluding that she was unable or unwilling to benefit from reunification services. We conclude that the respondent's appeal is moot with respect to this claim.

"Mootness is a question of justiciability that must be determined as a threshold matter because it implicates [this] court's subject matter jurisdiction . . . . Because courts are established to resolve actual controversies, before a claimed controversy is entitled to a resolution on the merits it must be justiciable. . . . A case is considered moot if [the] court cannot grant the appellant any practical relief through its disposition of the merits . . . . In determining mootness, the dispositive question is whether a successful appeal would benefit the plaintiff or defendant in any way. . . . Our review of the question of mootness is plenary. . . .

"Section 17-112 (j) (1) provides in relevant part that the Superior Court may grant a petition [for termination of parental rights] if it finds by clear and convincing evidence that . . . the [department] has made reasonable efforts to locate the parent and to reunify the child with the parent . . . *unless* the court finds . . . that the parent is unable or unwilling to benefit from reunification efforts . . . . In construing that statutory language, our Supreme Court has explained that [b]ecause the two clauses are separated by the word unless, this statute plainly is written in the conjunctive. Accordingly, the department must prove *either* that it has made

reasonable efforts to reunify *or*, *alternatively*, that the parent is unwilling or unable to benefit from reunification efforts. . . . [E]ither showing is sufficient to satisfy this statutory element. . . .

"Because either finding, standing alone, provides an independent basis for satisfying § 17a-112 (j) (1) . . . in cases in which the trial court concludes that *both* findings have been proven, a respondent on appeal must demonstrate that both determinations are improper. If the respondent fails to challenge either one of those independent alternative bases . . . the trial court's ultimate determination that the requirements of § 17a-112 (j) (1) were satisfied remains unchallenged and intact. . . . In such instances, the appeal is moot, as resolution of a respondent's claim of error in her favor could not [afford] her any practical relief."[5] (Citations omitted; emphasis in original; internal quotation marks omitted.) *In re A'vion A.*, supra, 217 Conn. App. 354–55.

Here, the court found, in its memorandum of decision, that the department had made reasonable efforts to reunify the respondent with her children, and that the respondent was unable or unwilling to benefit from reunification efforts. The respondent, in her appellate brief, after identifying the two independent bases for satisfying § 17a-112 (j) (1), only challenges the court's determination that she was unable or unwilling to benefit from reasonable efforts toward reunification. Despite her assertion to the contrary during oral argument,[6] the respondent fails to brief any claim that would challenge the court's finding that the department made reasonable efforts toward reunification.[7] Because the respondent's ability to obtain relief on this claim requires that she challenge both independent bases of § 17a-112 (j) (1), her failure to do so forecloses any possibility of practical relief for her first claim. The respondent's first claim is therefore moot, and we decline to review the merits thereof. See id.

II

The respondent next claims that the court improperly found that she failed to achieve a sufficient degree of personal rehabilitation required by § 17a-112 (j) (3) (B). We disagree.

"Failure to achieve a sufficient degree of personal rehabilitation is one of the seven statutory grounds on which parental rights may be terminated under § 17a-112 (j) (3). Section § 17a-112 (j) permits a court to grant a petition to terminate parental rights if it finds by clear and convincing evidence that . . . (3) . . . (B) the child . . . has been found by the Superior Court . . . to have been neglected . . . in a prior proceeding . . . and the parent of such child has been provided specific steps to take to facilitate the return of the child to the parent . . . and has failed to achieve such degree of personal rehabilitation as would encourage the belief

that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child . . . . In making that determination, the critical issue is not whether the parent has improved her ability to manage her own life, but rather whether she has gained the ability to care for the particular needs of the child at issue. . . .

"We review the trial court's subordinate factual findings for clear error, and review its finding that the respondent failed to rehabilitate for evidentiary sufficiency. . . . In reviewing that ultimate finding for evidentiary sufficiency, we inquire whether the trial court could have reasonably concluded, upon the facts established and the reasonable inferences drawn therefrom, that the cumulative effect of the evidence was sufficient to justify its [ultimate conclusion]. . . . [I]t is not the function of this court to sit as the [fact finder] when we review the sufficiency of the evidence . . . rather, we must determine, in the light most favorable to sustaining the verdict, whether the totality of the evidence, including reasonable inferences therefrom, supports the [judgment of the trial court] . . . . In making this determination, [t]he evidence must be given the most favorable construction in support of the [judgment] of which it is reasonably capable. . . . In other words, [i]f the [trial court] could reasonably have reached its conclusion, the [judgment] must stand, even if this court disagrees with it." (Citation omitted; footnote omitted; internal quotation marks omitted.) Id., 347–48.

The following facts are relevant to our consideration of this issue. In its memorandum of decision, the court stated that "[t]he presenting issues at the time of the children's removal included unaddressed substance abuse and intimate partner violence. The specific steps issued set a goal for [the respondent] to address her parenting, substance abuse and develop appropriate coping mechanisms. The steps set a goal for [the respondent] to provide safe and stable parenting free from substance use and violence." The court then found that the respondent has "made improvements in her personal life. She is maintaining a sober lifestyle, has housing and is gainfully employed. Moreover, her supervised visits go well, and she has a good relationship with each of her children." However, while the respondent maintained that she lived alone, she refused to allow the department to conduct unannounced visits of her home or permit a visit without her attorney present. Furthermore, a number of incidents necessitated a response from the police and the department, and occurred after the minor children were committed to the care of the petitioner. The court recounted that, "[b]y the end of November of 2020, police reports demonstrated that Brett T., her adult son, was in the home, under the influence, and causing disruption to [the respondent's] home. Further, [the department] reported concerns that she remained associated with Anthony

W., a source of Autumn O.'s trauma.[8] [The respondent] acknowledged that she accepted a ride from Anthony W. in September of 2021. In between those time frames, police were called out to the home multiple times. . . . On November 26, 2020, Brett T. began living with [the respondent]. By December 14, 2020, police involvement was required at [the respondent's] home due to Brett T.'s behavior. Brett T. and [the respondent] were arguing, and Brett T. was angry, breaking dishes and [the respondent] spit in his face. On February 3, 2021, the police once again became involved due to Brett T. and [the respondent] arguing. Brett T. appeared intoxicated and there was a referral recommending detoxification treatment for Brett T.

"On March 25, 2021, Brett T.'s behavior continued to be out of control. He acknowledged that he lived in [the respondent's] home. He was under the influence, throwing food around, and making a mess of the home. That same day, police had to be called out a second time. He had been threatening [the respondent] during a derogatory filled argument over Anthony W.'s presence in the home. The following day, police were called out as there had been a fight between [the respondent] and Brett T. Brett T. was arrested for breach of the peace, possession of marijuana and drug paraphernalia.

"On April 4, 2021, officers responded to [the respondent's home] on a report of another fight over money between [the respondent] and Anthony W. On April 9, 2021, police were dispatched based on concerns that Brett T. was contacting [the respondent]. [The respondent] declined to give a statement and told police officers that she did not want the protective order.

"On April 28, 2021, police responded to a domestic violence complaint where Anthony W. spit in [the respondent's] face and broke a window resulting in [the respondent] cutting her hand. When interviewed, Anthony [W.] stated he lived there and verified his residence by showing police his laundry and his name on bills.

"On April 29, 2021, [the department] observed Brett T. picking up [the respondent] from a visit. On June 6, 2021, police responded to an incident between Brett T. and Anthony W. The officer observed clothes on the ground outside of [the respondent's] home. Brett T. presented as intoxicated, and [the respondent] indicated she left the property to avoid Brett [T.] as he kept trying to break into the home. Brett T.'s items were thrown onto the yard by Anthony W. after the two had engaged in an altercation.

"On September 16, 2021, [the department] observed [the respondent] being dropped off by Anthony W. Anthony W. appeared to be aggressive in his actions while he was in the car and [the respondent] could be seen pleading for her cell phone which she had forgot-

ten in the vehicle. Anthony W. abruptly stopped the vehicle and threw the phone out of the passenger side window. Although [the respondent] contacted Anthony W. for a ride and did not feel unsafe in that situation, [the department] pointed out that there was a full no contact protective order in place between the two. [The respondent] responded that they were not living together, and she did not see him that much." (Footnote added.)

In its memorandum of decision, the court found that the respondent has made some improvements in her personal life by maintaining a sober lifestyle, housing and employment. The court further found that the respondent has a good parental relationship with her children, and that her supervised visits go well. The court nevertheless explained that "a good parental relationship alone cannot preclude a finding of failure to rehabilitate. . . . [The respondent's] strides to achieve stability in her personal life are not sufficient in and of themselves to warrant a finding of rehabilitation." (Citation omitted.) In finding that the respondent failed to rehabilitate, the court emphasized the respondent's "inability to choose between her toxic relationships and protecting her children." The court found that the respondent "described her husband, [Anthony] O., as 'very abusive,' yet then she became involved with Michael H. Although Michael H. denied involvement with [intimate partner violence] issues, [the respondent] did call police to report harassment by him. Then lastly, Anthony W., where various incidents of [intimate partner violence] led to the opening of the case and the removal of the children. He has been the subject of a full no contact protective order from March 20, 2018, to May 20, 2019, with [the respondent] where her two children were identified as the protected parties. On July 7, 2021, Anthony W. was again the subject of a protective order with [the respondent] being identified as the protected party.

"[The respondent] continued to maintain a relationship with Anthony W. despite knowing it would jeopardize her ability to reunify with her children. [The respondent] sought to secrete the presence of Anthony W. from [the department] by avoiding . . . unannounced home visits [by the department] and precluding their ability to determine if other individuals were living in her home. This included her adult son, Brett T., and also Anthony W. The evidence demonstrates, and the court finds, that this was at the same time. Anthony W.'s presence was likely the source of Brett T.'s agitation.[9] In one police report, Brett T. laments that a source of his anger/sadness is [his] mother's continual decision to choose men over him." (Footnote added.)

On the basis of the foregoing, the court concluded that the "recurrence of [the respondent] permitting individuals to be present in her life who are a source of

trauma for her children and to provide them access to her home, does not demonstrate sufficient rehabilitation to be a resource for her children within a reasonable period of time considering the age and needs of Autumn O. and Joshua W. Based upon the aforementioned facts, the court finds that the respondent . . . has failed to rehabilitate within the meaning of the statute."

On appeal, the respondent claims that the trial court erred in finding that she failed to rehabilitate. Specifically, the respondent argues that the record "clearly demonstrates that [she] has been engaged in services, is making progress and is committed to remaining engaged in services." In support of her argument, the respondent relies on her completion of "a parenting program through Circle of Security, and . . . a domestic violence program through IPV-Fair, as well as continuing ongoing individual counseling and domestic violence counseling through Catholic Charities and the Susan B. Anthony Program." The respondent posits that the record demonstrates she will be able to resume her position as a responsible parent in the foreseeable future. We disagree.

"In determining whether a parent has achieved sufficient personal rehabilitation, a court may consider whether the parent has corrected the factors that led to the initial commitment, regardless of whether those factors were included in specific expectations ordered by the court or imposed by the department. . . . Accordingly, successful completion of expressly articulated expectations is not sufficient to defeat a department claim that the parent has not achieved sufficient rehabilitation." (Citations omitted.) *In re Vincent D.*, 65 Conn. App. 658, 670, 783 A.2d 534 (2001). Further, a court may also rely on "evidence that parents have continued to associate with dangerous third parties in determining that the parents have failed to rehabilitate . . . . See, e.g., *In re Alejandro L.*, 91 Conn. App. 248, 254, 261, 881 A.2d 450 (2005) (considering, inter alia, respondent's inability to sever violent relationship with father of her children despite department's offer of housing assistance and domestic violence prevention services and advice of drug counselors that relationship was impediment to obtaining and maintaining sobriety); *In re Vincent D.*, [supra, 670] (approving trial court's reliance on respondent's 'failure to reside in a drug free environment [apart from child's father], despite her success in overcoming her own drug habit'); *In re Jessica B.*, 50 Conn. App. 554, 561–65, 718 A.2d 997 (1998) (upholding termination of respondent's parental rights based, in part, on decision to live with spouse who abused her and had been convicted of risk of injury for sexually molesting child)." *In re Jorden R.*, 293 Conn. 539, 562–63 n.20, 979 A.2d 469 (2009).

There is sufficient evidence to justify the court's

determination that the respondent failed to rehabilitate because she continued to associate with dangerous third parties[10] and, further, failed to address the conditions that led to her children's commitment. In the present case, incidents of violence in the respondent's home were a primary catalyst in prompting the commitment of the minor children to the petitioner. Despite this, even after the minor children were committed to the petitioner, the respondent repeatedly invited interaction, and even cohabitation, with both Anthony W. and Brett T., who caused chaos and violence within the home. The respondent's continued association with Anthony W. is particularly troublesome, considering that the respondent's chaotic, and often violent, relationship with Anthony W. invariably contributed to the conditions necessitating the minor children's commitment to the care of the petitioner.[11] As already discussed in this opinion, between December, 2020, and July, 2021, police responded to the respondent's house numerous times because of the violent, destructive, or otherwise unlawful conduct of Anthony W. and Brett T.—both of whom the respondent invited to live with her despite the protective order against Anthony W., the past incidents of violence instigated by Anthony W. and Brett T., and the trauma Anthony W.'s presence caused, and continues to cause, Autumn O.[12] The respondent's continued association with Anthony W. and Brett T. demonstrates her failure to appreciate that her tumultuous interpersonal relationships expose her, and the minor children, to harm. Indulging every reasonable presumption in favor of the court's ruling, as our standard of review requires; see *In re A'vion A.*, supra, 217 Conn. App. 348; we conclude that the evidence credited by the court supports its conclusion that the respondent failed to achieve the requisite degree of personal rehabilitation required by § 17a-112 (j) (3) (B).

III

Last, the respondent claims that the court erred in finding that termination of her parental rights was in the best interests of the children. We disagree.

"[A]n appellate tribunal will not disturb a trial court's finding that termination of parental rights is in a child's best interest unless that finding is clearly erroneous.[13] . . . We do not examine the record to determine whether the trier of fact could have reached a conclusion other than the one reached. . . . [Rather] every reasonable presumption is made in favor of the trial court's ruling. . . . In the dispositional phase of a termination of parental rights hearing, the emphasis appropriately shifts from the conduct of the parent to the best interest of the child. . . . In the dispositional phase . . . the trial court must determine whether it is established by clear and convincing evidence that the continuation of the respondent's parental rights is not in the best interest of the child. In arriving at this

decision, the court is mandated to consider and make written findings regarding seven factors delineated in . . . § 17a-112 [k]. . . . The seven factors serve simply as guidelines for the court and are not statutory prerequisites that need to be proven before termination can be ordered." (Citation omitted; footnote added; internal quotation marks omitted.) *In re Lil'Patrick T.*, 216 Conn. App. 240, 258, 284 A.3d 999, cert. denied, 345 Conn. 962, 285 A.3d 387 (2022).

The court considered and made findings under each of the seven statutory factors of § 17a-112 (k) before determining, by clear and convincing evidence, that termination of the respondent's parental rights was in the best interests of the minor children. In so finding, the court stated that it would be untenable to provide the respondent with "several more years to attempt another round of education, demonstration of stability, and genuine change" after the "many opportunities" she had already been given, over a long period of time, to learn about intimate partner violence, make changes to her life to avoid those relationships, and establish and maintain a stable and safe environment.

The respondent argues that the court erred in determining that it was in the minor children's best interests to terminate her parental rights. Specifically, the respondent asserts that, "[i]n light of the respondent's consistent engagement of services, [and] that the respondent has been consistent in visitation with her children, this court should find that it is in the best interests of the minor children not to grant the petition terminating the respondent's parental rights."

The respondent further argues that the court incorrectly decided that the termination of her parental rights was in the best interests of the minor children because she has a strong relationship with Autumn O. and Joshua W.[14] The respondent stresses that she "has been consistent with visits, she brings appropriate food and gifts for the children, she engages appropriately and lovingly with the children, and the children are responsive to her."

"In addition to considering the seven factors listed in § 17a-112 (k), [t]he best interests of the child include the child's interests in sustained growth, development, well-being, and continuity and stability of [his or her] environment. . . . Furthermore, in the dispositional stage, it is appropriate to consider the importance of permanency in children's lives." (Citation omitted; internal quotation marks omitted.) *In re Elijah G.-R.*, 167 Conn. App. 1, 31, 142 A.3d 482 (2016). "[T]he court's inquiry in the dispositional phase of the proceeding was properly focused on whether termination of the respondent's parental rights was in the children's best interest. . . . The respondent's efforts to rehabilitate, although commendable, speak to [her] own conduct, not the best interests of the child. . . . Further, what-

ever progress a parent arguably has made toward rehabilitation is insufficient to reverse an otherwise factually supported best interest finding." (Citations omitted; internal quotation marks omitted.) *In re Aubrey K.*, 216 Conn. App. 632, 663, 285 A.3d 1153 (2022), cert. denied, 345 Conn. 972, 286 A.3d 907 (2023). Additionally, although the respondent may love her children and share a bond with them, "the existence of a bond between a parent and a child, while relevant, is not dispositive of a best interest determination." (Internal quotation marks omitted.) *In re Sequoia G.*, 205 Conn. App. 222, 231, 256 A.3d 195, cert. denied, 338 Conn. 904, 258 A.3d 675 (2021).

There is ample evidence in the record to support the court's conclusion that it was in the best interests of the minor children to terminate the respondent's parental rights. As discussed in part II of this opinion, the evidence at trial established that the respondent repeatedly interacted and cohabitated with individuals that routinely caused a chaotic and violent home environment, which supported the court's finding that she would be unable to provide an appropriate home environment for her children within a reasonable period of time considering their ages and needs. In light of the children's need for stability and permanency, the respondent's inability to demonstrate that she could provide a safe home environment in a reasonable amount of time supports the court's conclusion that termination was in the children's best interests. See *In re Brian P.*, 195 Conn. App. 558, 580, 226 A.3d 159 ("[g]iven . . . [inter alia] the court's findings as to the respondents' failure to rehabilitate . . . we cannot conclude that the court's findings as to [the minor child's] need for a 'permanent, safe, supportive, nurturing home' and the respondents' inability to meet that need were clearly erroneous), cert. denied, 335 Conn. 907, 226 A.3d 151 (2020).

On the record before us, we conclude that the court's findings as to the children's best interests are factually supported and legally sound and we will not substitute our judgment for that of the trial court.

The appeal is dismissed with respect to the respondent's claim that the court erred in concluding that she was unable or unwilling to benefit from reunification services; the judgments are affirmed in all other respects.

In this opinion the other judges concurred.

* In accordance with the spirit and intent of General Statutes § 46b-142 (b) and Practice Book § 79a-12, the names of the parties involved in this appeal are not disclosed. The records and papers of this case shall be open for inspection only to persons having a proper interest therein and upon order of the court.

Moreover, in accordance with federal law; see 18 U.S.C. § 2265 (d) (3) (2018), as amended by the Violence Against Women Act Reauthorization Act of 2022, Pub. L. No. 117-103, § 106, 136 Stat. 49, 851; we decline to identify any person protected or sought to be protected under a protection order, protective order, or a restraining order that was issued or applied

for, or others through whom that party's identity may be ascertained.

** March 30, 2023, the date that this decision was released as a slip opinion, is the operative date for all substantive and procedural purposes.

[1] The court also terminated the parental rights of the respondent father, Anthony W., the biological father of Joshua W., and the respondent father, Michael H., the biological father of Autumn O. Because neither father is participating in this appeal, we will refer in this opinion to the respondent mother as the respondent. Although the respondent has other minor children not at issue in this appeal, for the purposes of this opinion, we refer to Autumn O. and Joshua W. together as the minor children.

[2] Pursuant to Practice Book §§ 67-13 and 79a-6 (c), the attorneys for the minor children filed statements in this appeal. Autumn O.'s attorney filed a statement adopting the brief filed by the petitioner. Joshua W.'s attorney filed a statement adopting the brief and reply brief of the respondent.

[3] The respondent requested that the court conduct the hearing virtually.

[4] General Statutes § 17a-112 (j) provides in relevant part: "The Superior Court, upon notice and hearing . . . may grant a petition filed pursuant to this section if it finds by clear and convincing evidence that . . . (3) . . . (B) the child (i) has been found by the Superior Court . . . to have been neglected, abused or uncared for in a prior proceeding . . . and the parent of such child has been provided specific steps to take to facilitate the return of the child to the parent pursuant to section 46b-129 and has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child . . . ."

[5] "For that reason, when an appellate court concludes that the trial court properly found that one of those independent bases was proven, the appellate court lacks subject matter jurisdiction to thereafter consider a claim of error with respect to the alternative basis under § 17a-112 (j) (1). Appellate review of that alternative basis is a 'moot issue' because any decision thereon 'cannot benefit the respondent meaningfully.' *In re Jorden R.*, [293 Conn. 539, 557, 979 A.2d 469 (2009)]; see also id., 554 (appellate courts 'should not address a moot issue substantively')." *In re A'vion A.*, supra, 217 Conn. App. 355 n.14.

[6] The respondent suggested at oral argument before this court that she also implicitly challenged the trial court's determination that the department made reasonable efforts toward reunification because the two bases of § 17a-112 (j) (1) "are the same, and they mirror each other." However, our review of the respondent's brief reveals no such argument, and conflating the two independent bases of § 17a-112 (j) (1) runs contrary to established law. See, e.g., *In re A'vion A.*, supra, 217 Conn. App. 354–55.

[7] Although the respondent mentions the department's "reasonable efforts" throughout her brief, she at no point advances any argument that the services the department provided did not constitute reasonable efforts toward reunification.

[8] At trial, the court-appointed psychiatrist, who conducted evaluations of each member of the family, testified that Autumn O. experiences anxiety and post-traumatic stress because of experiences connected with Anthony W. and would be frightened if she saw him again.

[9] The court also found that the respondent's "decision to allow Brett T. to remain in the household speaks to her poor decision making" because of Brett T.'s "history of mental health and substance use issues." Additionally, as discussed in this opinion, Brett T. became violent and destructive on several occasions while living with the respondent, and the police were called as a result.

[10] See *In re Jorden R.*, supra, 293 Conn. 562–63 n.20.

[11] Although this opinion recounts incidents unilaterally instigated by Anthony W. and Brett T., it does so only insofar as is necessary to highlight the continuing threat of harm posed to the minor children that the respondent, by her actions, has failed to take steps to remedy.

[12] See footnote 8 of this opinion.

[13] "A finding is clearly erroneous when either there is no evidence in the record to support it, or the reviewing court is left with the definite and firm conviction that a mistake has been made. . . . On appeal, our function is to determine whether the trial court's conclusion was factually supported and legally correct." (Internal quotation marks omitted.) *In re Yolanda V.*, 195 Conn. App. 334, 352, 224 A.3d 182 (2020).

[14] The respondent also argues that our courts place too much emphasis on permanency and not enough emphasis on the harm caused by the termina-

tion of parental rights. Insofar as the respondent suggests we should discount the importance of permanency in determining the best interests of the children, that argument runs against our well settled precedent instructing otherwise. See *In re Davonta V.*, 285 Conn. 483, 494, 940 A.2d 733 (2008) (our Supreme Court "has noted consistently the importance of permanency in children's lives" (internal quotation marks omitted)).